

***Remarks***

This amendment responds to the Official Action mailed April 20, 2004. The indication of allowability of the subject matter of claims 3-7, 14-18, 25 and 29 is noted with appreciation.

***Remarks on Amendments***

In response to the Office Action, claims 3, 7, 14, 18, 25 and 29 are rewritten in independent form and/or to increase their clarity and scope of coverage. Claims 1, 12, and 23 have been amended to recite that a two's complement format is used in creating a dither signal.

The assistance rendered by the Examiner in pointing out the excessive length of the Abstract of the Disclosure is noted with appreciation. The second paragraph of the Abstract has been deleted in response to the Examiner's comment.

Upon entry of the foregoing amendments, claims 1, 2-12, 14-23, and 25-34 are pending in the application, with claims 1, 3, 7, 12, 14, 18, 23, 25, 29 and 34 being the independent claims. Claims 2, 13, and 24 are cancelled without prejudice to or disclaimer of the subject matter therein. These changes are believed to introduce no new matter, and their entry is respectfully requested.

***Response to Rejection***

In view of the indications of allowability in the Official Action, the amendments herein should overcome the rejections of and objections to all of the claims. Applicant

notes that claim 34 has not been amended, and reconsideration of the pending rejection of claim 34 is requested based on the following remarks.

Claim 34 was rejected as anticipated by U.S. Patent 5,144,308 to Norsworthy. Claim 34 recites a digital modulator including, among other features, "...a digital filter *with high pass characteristics* connected to said number generating circuit to receive said signal and generate from said signal a digital dither data stream representing a spectrally shaped dither signal..." (emphasis added). It would appear that the Examiner may have overlooked the recitation in claim 34 of "high pass characteristics" when applying the rejection to this claim. In the Official Action, the Examiner stated that a filter including high pass characteristics is not disclosed in the cited Norsworthy reference, and that the claims reciting high pass characteristics are allowable (see Office Action, Paragraph 15). Claim 34 should be allowable for the same reasons, and reconsideration is requested.

***Status of Related Cases***

The attention of the Examiner is drawn to the following pending continuation-in-part applications claiming priority of the present application, and claiming related subject matter:

Serial No. 10/767,774, filed 1/30/2004, titled "System and Method for Shuffling Mapping Sequences."

Serial No. 10/767,775, filed 1/30/2004, titled "System and Method for Mapping Pulse Widths in a Digital Modulator."

The undersigned has not yet received an Official Action in either of these cases.

***Conclusion***

All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider all presently outstanding objections and rejections and that they be withdrawn. Applicant believes that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment and Reply is respectfully requested.

Respectfully submitted,

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Date: July 15, 2004

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